

# **Exhibit 7**

**MARGARET McCARTHY**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SIERRA BOUCHER, LILY ENGBRECHT,  
NATASSIA TUHOVAK, HANNAH WHELAN, and  
CASSIDY WOOD,

Plaintiffs,

- against - Case No.  
1:22-cv-00381-CCR

TRUSTEES OF CANISIUS COLLEGE,

Defendant.  
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Examination before trial of **MARGARET**  
**McCARTHY**, taken pursuant to the Federal Rules of  
Civil Procedure, in the offices of JACK W. HUNT &  
ASSOCIATES, INC., 1120 Liberty Building, Buffalo,  
New York, on September 27, 2024, commencing at  
10:25 a.m., before LORI K. BECK, CSR, CM, Notary  
Public.

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1 APPEARANCES: LAW OFFICE OF DANIELA NANAU, P.C.,  
2 By DANIELA NANAU, ESQ.,  
3 89-03 Rutledge Avenue,  
4 Glendale, New York 11385-7935,  
(888) 404-4975,  
dn@danielananau.com,  
Appearing for the Plaintiffs.

5 HODGSON RUSS LLP,  
6 By THOMAS S. D'ANTONIO, ESQ.,  
7 1800 Bausch & Lomb Place,  
8 Rochester, New York 14604,  
(585) 454-0700,  
tdantonio@hodgsonruss.com,  
Appearing for the Defendant.

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**Margaret McCarthy - Ms. Nanau - 09/27/2024**

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10:40:52 1 Q. Okay. And then as the chair of the  
10:40:56 2 ABEC program, Dr. Noonan was responsible for  
10:41:00 3 submitting to you a budget for that program?

10:41:04 4 A. The budgets went through the deans, and  
10:41:07 5 the deans recommended the budgets.

10:41:08 6 And there was a -- the college budget-wide  
10:41:12 7 committee that finalized budgets for the college,  
10:41:19 8 then approved by the board of trustees.

10:41:22 9 It was quite a long process.

10:41:23 10 Q. It sounds like it.

10:41:25 11 Did complaints from ABEC department faculty  
10:41:30 12 ever reach you when you -- when you were in the  
10:41:32 13 position of vice-president of academic affairs  
10:41:35 14 regarding the allocation of funds within the ABEC  
10:41:38 15 program?

10:41:43 16 A. I recall a concern by -- I think it was  
10:41:47 17 Dr. Malini Suchak about the -- there's also  
10:41:53 18 within -- within ABEC, there's an institute for the  
10:41:56 19 study of human-animal relations, generally known as  
10:42:01 20 ISHAR. We just refer to it as ISHAR by its  
10:42:04 21 initials, I-S-H-A-R.

10:42:07 22 I believe I -- I recall Dr. Suchak reaching  
10:42:11 23 out to the dean, who was Dr. Beth Gill, G-I-L-L, at

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10:42:19 1 the time, and Dr. Gill bringing to me the concern  
10:42:22 2 that Dr. Suchak had about ISHAR funds, that they  
10:42:27 3 weren't being fairly distributed or -- or that  
10:42:32 4 they're -- I'm sorry, I'm going to take that back  
10:42:34 5 for a second.

10:42:35 6 I think the concern was more that they were  
10:42:37 7 being misappropriated. She had a concern that they  
10:42:41 8 were being misspent.

10:42:43 9 Q. Dr. Suchak was concerned that  
10:42:44 10 Dr. Noonan was misappropriating funds from the  
10:42:48 11 ISHAR fund, correct?

10:42:50 12 A. That's it. That was the complaint.

10:42:52 13 Q. And did you ever direct Dr. Gill to  
10:42:58 14 remedy that complaint?

10:43:00 15 A. I did more than that. I asked the  
10:43:01 16 controller to review the account, controller of the  
10:43:06 17 institution. I watched it myself, but I also asked  
10:43:08 18 the controller to please review it.

10:43:10 19 I know he asked for receipts, and I don't  
10:43:14 20 recall ever receiving any information back from him  
10:43:17 21 that there was a problem.

10:43:24 22 Q. To your knowledge, did any other ABEC  
10:43:26 23 program faculty members complain about the

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10:43:30 1 distribution of funding within the department?

10:43:34 2 **A.** Dr. Russell, Josh Russell, may have  
10:43:37 3 been with Dr. Suchak when she met with Dr. Gill. I  
10:43:42 4 don't know if he shared that complaint or not with  
10:43:46 5 her.

10:43:47 6 **Q.** Are you aware of any concerns raised by  
10:43:49 7 Dr. Christy Hoffman during her tenure in the ABEC  
10:43:54 8 program?

10:43:55 9 **A.** I became aware of her concerns in the  
10:43:58 10 spring of 2019.

10:44:00 11 **Q.** And by then -- well, in the spring of  
10:44:04 12 2019, Dr. Hoffman was still at Canisius, correct?

10:44:08 13 **A.** Yes, I believe so.

10:44:09 14 **Q.** Okay. And was there any response made  
10:44:13 15 by your office or anyone else in Canisius senior  
10:44:19 16 administration regarding her concerns about the  
10:44:24 17 distribution of funding in the ABEC program --

10:44:26 18 **MR. D'ANTONIO:** Objection --

10:44:27 19 **BY MS. NANAU:**

10:44:27 20 **Q.** -- among the faculty?

10:44:29 21 **MR. D'ANTONIO:** Objection to form.

10:44:29 22 **THE WITNESS:** I don't believe -- I don't  
10:44:31 23 know that her concerns were about the distribution

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11:37:20 1 Ms. Walleshauser's investigation, correct?

11:37:23 2 **A.** I met with Ms. Walleshauser and Mike  
11:37:26 3 Noonan when she reviewed the allegations with him.  
11:37:28 4 I sat in the room and listened.

11:37:31 5 **Q.** Okay. Did you take notes during that  
11:37:32 6 meeting?

11:37:33 7 **A.** No.

11:37:35 8 **Q.** Any reason why not?

11:37:37 9 **A.** I was just there to listen. I knew  
11:37:39 10 Linda was taking notes and keeping track of it.

11:37:43 11 **Q.** Got it. Dr. McCarthy, do you recall  
11:38:07 12 the day when you met with Dr. Noonan and  
11:38:13 13 Ms. Walleshauser?

11:38:13 14 **A.** I do.

11:38:14 15 **Q.** What day was that?

11:38:15 16 **A.** February 21st --

11:38:17 17 **Q.** Okay.

11:38:17 18 **A.** -- 2019.

11:38:19 19 **Q.** Prior to February 21st,  
11:38:27 20 Ms. Walleshauser provided her [sic] with the notes  
11:38:29 21 that she had accumulated regarding the various  
11:38:35 22 student complaints, correct?

11:38:36 23 **MR. D'ANTONIO:** Can I have that back? I'm

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12:02:03 1 what was your impression of the situation?

12:02:12 2 And by that I mean: Did you believe that  
12:02:17 3 the students' allegations had merit after you heard  
12:02:21 4 Dr. Noonan's response?

12:02:24 5 **MR. D'ANTONIO:** Objection to the form.

12:02:28 6 **THE WITNESS:** Overall, yes.

12:02:29 7 **BY MS. NANAU:**

12:02:34 8 **Q.** So as a result of this meeting on  
12:02:37 9 February 21st, 2019, I know you have already  
12:02:41 10 testified that you provided Dr. Noonan with notice  
12:02:43 11 that he was going to be put on a paid leave of  
12:02:47 12 absence, correct?

12:02:47 13 **A.** Yes.

12:02:48 14 **Q.** Did you come to any other conclusions  
12:02:50 15 that day?

12:02:55 16 **A.** That the investigation needed to  
12:02:58 17 continue. We needed to continue to gather  
12:03:01 18 information and continue to learn more.

12:03:07 19 **Q.** Okay. Did you share with President  
12:03:12 20 Hurley your impressions of this meeting with  
12:03:15 21 Dr. Noonan and Ms. Walleshauser on February 21st,  
12:03:19 22 2019?

12:03:19 23 **A.** Yes.

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12:18:02 1 Q. So as a CAC class, was the footage  
12:18:12 2 Dr. Noonan's property --

12:18:13 3 MR. D'ANTONIO: Objection to form.

12:18:14 4 BY MS. NANAU:

12:18:14 5 Q. -- or was it Canisius's property, do  
12:18:16 6 you know?

12:18:17 7 A. Course material, which this was a  
12:18:20 8 course, so course material is the property of the  
12:18:23 9 professor.

12:18:25 10 Q. Okay. Course material -- is that  
12:18:34 11 distinguishable from research that a professor who  
12:18:44 12 engages in research at Canisius would arguably own?

12:18:55 13 MR. D'ANTONIO: Objection to form.

12:18:56 14 THE WITNESS: I'm not sure I'm following.

12:18:59 15 BY MS. NANAU:

12:18:59 16 Q. Okay. Is there -- is there a  
12:19:01 17 distinction at Canisius between work product of a  
12:19:11 18 faculty member during the course of a class and  
12:19:15 19 research that they engage in with Canisius  
12:19:19 20 students?

12:19:24 21 MR. D'ANTONIO: Same objection. If you  
12:19:27 22 understand the question, you may answer it.

12:19:28 23 THE WITNESS: Material related to a course,

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12:54:20 1 Q. Okay. So after you and President  
12:54:26 2 Hurley made the decision to terminate Dr. Noonan's  
12:54:31 3 employment with Canisius, were the discussions  
12:54:34 4 largely between attorneys?

12:54:38 5 A. Yes.

12:54:40 6  
12:54:44 7  
12:54:47 8  
12:54:48 9  
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12  
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12:55:26 16  
12:55:26 17  
12:55:26 18  
12:55:28 19  
12:55:33 20  
12:55:39 21  
12:55:40 22  
12:55:41 23

1 STATE OF NEW YORK )

2 ss:

3 COUNTY OF ERIE )

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5 I DO HEREBY CERTIFY as a Notary Public in and  
6 for the State of New York, that I did attend and  
7 report the foregoing deposition, which was taken  
8 down by me in a verbatim manner by means of machine  
9 shorthand. Further, that the deposition was then  
10 reduced to writing in my presence and under my  
11 direction. That the deposition was taken to be  
12 used in the foregoing entitled action. That the  
13 said deponent, before examination, was duly sworn  
14 to testify to the truth, the whole truth and  
15 nothing but the truth, relative to said action.

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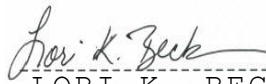
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CSR, CM,  
Notary Public.